



SAN FRANCISCO DISTRICT

PUBLIC NOTICE

Regulatory Branch
333 Market Street
San Francisco, CA 94105-2197

NUMBER: 26544N DATE: January 13, 2005
RESPONSE REQUIRED BY: February 12, 2005

PERMIT MANAGER: John Yeakel

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1. INTRODUCTION:

California Department of Transportation (Caltrans), P.O. Box 3700, Eureka, California 95502-3700, through its agent Mr. Alan Escarda, (707) 441-2097, has applied for a U.S. Army, Corps of Engineers (Corps) permit to realign about 0.6 mile of the two-lane segment of State Route 1 approximately four miles south of Point Arena in southern Mendocino County. This application is being processed pursuant to the provisions of Section 404 of the Clean Water Act (33 U.S.C. Section 1344).

2. PROPOSED PROJECT:

Project Site: The project is located on the coastal terrace between Schooner Gulch and the southwestern-foot of Saunders Hill and east of the existing highway, between postmile 10.7 and 11.3. Current conditions at the site consist of coastal terrace prairie dominated by ruderal annual grassland interspersed with wetlands and coastal scrub communities. Three unnamed seasonal watercourses flow through the area. Most of the few shrubs and trees including cypress and shore pine in the project area were planted by the local residents. Within the project limits immediately inland from Route 1, the area is fenced and subject to cattle grazing. Coastal redwood forest is visible farther

inland. The project is bounded on the west by a narrow strip of coastal terrace between the existing roadway and the coastal bluffs above the Pacific Ocean. Views of the Pacific Ocean include Saunders Reef, a sensitive near-shore marine resource.

Project Description: As shown in the attached drawings, the applicant plans to realign approximately one-half mile of the highway farther inland. The realigned section will consist of two twelve-foot lanes and two four-foot paved shoulders. Other project features include: vista turnouts, removal of the portion of the bypassed roadway and temporary bridge, improved driveway access, culvert installation, revegetation of disturbed soils and implementation of a wetland mitigation plan.

Purpose and Need: The basic purpose of this project is to protect the highway. The overall purpose of this project is to reduce the threat to the roadway from coastal erosion for at least twenty years, reduce annual maintenance efforts and costs, rehabilitate the roadway in accordance with the current Route Concept Report and Highway Design Standards, and initiate context-sensitive solutions to local and resource agencies concerns.

State Route 1 is the only continuous north-

south coastal highway serving Mendocino County and the north coast region from as far away as San Francisco. Area residents, local businesses and tourists rely heavily on this route for local and regional travel. In spite of maintenance efforts a segment of the existing roadway has been lost to on-going erosion of the coastal bluff. As an interim measure a temporary bridge structure was put in place in November 2001, to allow for two lanes of traffic until a permanent solution could be designed and constructed.

Impact: The project will result in up to 1,703 cubic yards of fill discharged into 230 linear-feet of waters of the U.S. and up to 0.68 acre of wetlands subject to the jurisdiction of the Corps.

Mitigation: To compensate for impacts to aquatic resources that could not be avoided the applicant has proposed to create 3.68 acres of wetlands by:

1. Creation of in-kind wetlands at a nearby off-site location immediately south of the project area, adjacent to Route 1 and the scenic vista near post mile 10.3/10.4.
2. Removal of the abandoned highway roadbed and restoration of on-site wetlands.

3. COMPLIANCE WITH VARIOUS FEDERAL LAWS:

National Environmental Policy Act of 1969 (NEPA): The Corps will assess the environmental impacts of the proposed action in accordance with the requirements of the National Environmental Policy Act of 1969 (42 U.S.C. Section 4371 et. seq.), the Council on Environmental Quality's

Regulations, 40 C.F.R. Part 1500-1508, and Corps' Regulations, 33 C.F.R. Part 230 and 325, Appendix B. Unless otherwise stated, the Environmental Assessment will describe only the impacts (direct, indirect, and cumulative) resulting from activities within the Corps' jurisdiction. The documents used in the preparation of the Environmental Assessment will be on file with the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197.

Endangered Species Act of 1973 (ESA): Section 7 of the Endangered Species Act requires formal consultation with the U.S. Fish and Wildlife Service (FWS) and/or the National Marine Fisheries Service (NMFS) if a Corps permitted project may adversely affect any Federally listed threatened or endangered species or its designated critical habitat. No Federally listed species or critical habitats are currently identified as potentially impacted by the proposed project.

Roderick's fritillary, *Fritillaria roderickii*, is a State-listed Endangered species that has been documented as a limited population within the existing transportation right of way. The colony location will be fenced during project construction for protection from equipment, excavation or temporary material storage impacts. No project work or changes in the existing hydrology is proposed at this location

Magnuson-Stevens Fisheries Conservation and Management Act: NMFS and several interagency fisheries councils have designated specific water bodies as Essential Fish Habitat (EFH) in accordance with the Magnuson-Stevens

Fisheries Conservation and Management Act. Coordination with the NMFS in regard to EFH will be initiated concurrently with the ESA consultation, if necessary.

Clean Water Act of 1972 (CWA):

a. Water Quality: Under Section 401 of the Clean Water Act (33 U.S.C. Section 1341), an applicant for a Corps permit must first obtain a State water quality certification before a Corps permit may be issued. The applicant is notified by this Public Notice that, unless he provides the Corps with evidence of a valid request for State water quality certification to the North Coast Regional Water Quality Board within 30 days of the date of this Public Notice, the Corps may consider this application withdrawn. No Corps permit will be granted until the applicant obtains the required water quality certification. The Corps may assume a waiver of water quality certification if the State fails or refuses to act on a valid request for certification within 60 days after the receipt of a valid request, unless the District Engineer determines a shorter or longer period is reasonable for the State to act.

Those parties concerned with any water quality issues that may be associated with this project should write to the Executive Officer, California Regional Water Quality Control Board, North Coast Region, 5550 Skylane Boulevard, Suite A, Santa Rosa, California 95403, by the close of the comment period of this Public Notice.

b. Alternatives: Evaluation of this proposed activity's impact includes application of the guidelines promulgated by the Administrator of the Environmental Protection Agency under Section 404(b)(1) of

the Clean Water Act (33 U.S.C. Section 1344(b)). The applicant has submitted an Analysis of Alternatives for the project and it will be reviewed for compliance with the guidelines. An evaluation has been made by this office under the guidelines and it was determined that the proposed project is not water or wetland dependent.

Coastal Zone Management Act of 1972 (CZMA): Section 307 of the Coastal Zone Management Act requires the applicant to certify that the proposed project will comply with the State's Coastal Zone Management Program, if applicable. No Corps permit will be issued until the State has concurred with the applicant's certification. Coastal development issues should be directed to the California Coastal Commission (CCC), 45 Fremont Street, San Francisco, California 94105-2219.

National Historic Preservation Act of 1966 (NHPA): Based on a review of survey data on file with various City, State and Federal agencies, no historic or archeological resources are known to occur in the project vicinity. If unrecorded resources are discovered during construction of the project, operations will be suspended until the Corps completes consultation with the State Historic Preservation Office (SHPO) in accordance with Section 106 of the National Historic Preservation Act.

4. PUBLIC INTEREST EVALUATION:

The decision whether to issue a permit will be based on an evaluation of the probable impact, including cumulative impact, of the proposed activity on the public interest. That decision will reflect the national concern for both protection and utilization

of important resources. The benefits that reasonably may be expected to accrue from the proposed activity must be balanced against its reasonably foreseeable detriments. All factors that may be relevant to the proposal will be considered, including its cumulative effects. Among those factors are: conservation, economics, aesthetics, general environmental concerns, wetlands, historical properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, considerations of property ownership, and, in general, the needs and welfare of the people.

5. CONSIDERATION OF COMMENTS:

The Corps of Engineers is soliciting comments from the public, Federal, State and local agencies and officials, Indian Tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, condition or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and the other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest in the proposed activity.

6. SUBMISSION OF COMMENTS:

Interested parties may submit, in writing, any comments concerning this activity. Comments should include the applicant's name and the number and the date of this Public Notice, and should be forwarded so as to reach this office within the comment period specified on Page 1. Comments should be sent to the U.S. Army Corps of Engineers, San Francisco District, Regulatory Branch, 333 Market Street, San Francisco, California 94105-2197. It is the Corps' policy to forward any such comments that include objections to the applicant for resolution or rebuttal. Any person may also request, in writing, within the comment period of this Public Notice that a public hearing be held to consider this application. Requests for public hearings shall state, with particularity, the reasons for holding a public hearing. Additional details may be obtained by contacting the applicant whose name and address are indicated in the first paragraph of this Public Notice or by contacting John Yeakel of our office at telephone 415-977-8472 or Email: john.j.yeakel@spd02.usace.army.mil. Details on any changes of a minor nature which are made in the final permit action will be provided upon request.